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12-26-01

3433-217-CIP:KAG:152527/am WENMM/SB/05 (4-01)

Approved for use through 10/31/2002. OMB 0651-0032

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# UTILITY PATENT APPLICATION TRANSMITTAL

Attorney Docket No. 3433-333  
First Inventor Bleyer, Mark et al.  
Title Radiopaque Implantable Collagenous Biomaterial Device  
Express Mail Label No. EL683236745US

Only for new nonprovisional applications under 37 CFR § 1.53(b)

## APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents

ADDRESS TO: Assistant Commissioner for Patents  
Box Patent Application  
Washington, DC 20231

1. ☒ \*Fee Transmittal Form (e.g., PTO/SB/17)  
(submit an original and a duplicate for fee processing)
2. ☐ Applicant claims small entity status.  
See 37 CFR 1.27
3. ☒ Specification [Total Pages 36]  
(preferred arrangement set forth below)
- Descriptive title of the invention
  - Cross References to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference sequence listing, a table, or a computer program listing appendix or computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 3]  
☒ Informal ☐ Formal
5. ☐ Oath or Declaration [Total Pages 3]
- a. ☐ Newly executed (original or copy)
- b. ☒ Copy from a prior application (37 C.F.R. § 1.63(d))  
(for continuation/divisional with Box 18 completed)
- i. ☐ **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s)  
named in the prior application, see 37 C.F.R. §§  
1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

7. ☐ CD-ROM or CD-R in duplicate, large table or  
Computer Program (Appendix)
8. ☐ Nucleotide and/or Amino Acid Sequence Submission  
(if applicable, all necessary)
- a. ☐ Computer Readable Form (CRF)
- b. Specification Sequence Listing on:  
☐ CD-ROM or CD-R (2 copies); or  
☐ paper
- c. ☐ Statements verifying identity of above copies

## ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 C.F.R. § 3.73(b) Statement ☐ Power of Attorney  
(when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)  
(if foreign priority is claimed)
16. ☐ Nonpublication Request under 35 U.S.C. 122(b)(2)(B)(i).  
Applicant must attach form PTO/SB/35 or its equivalent.
17. ☐ Other: \_\_\_\_\_

18. If a **CONTINUING APPLICATION**, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No: 09/444,881  
Prior application information: Examiner: Nguyen, D. Group / Art Unit: 1633

For **CONTINUATION** or **DIVISIONAL APPS** only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## 19. CORRESPONDENCE ADDRESS

☐ Customer Number or Bar Code Label

or ☒ Correspondence address below

(Insert Customer No. or Attach bar code label here)

Name Woodward, Emhardt, Naughton, Moriarty and McNett  
Address Bank One Center/Tower  
111 Monument Circle, Suite 3700  
City Indianapolis State IN Zip Code 46204-5137  
Country USA Telephone (317) 634-3456 Fax (317) 637-7561  
Name (Print/Type) Kenneth A. Gandy Registration No. (Attorney/Agent) 33,386  
Signature [Signature] Date December 19, 2001

Express Mail Label Number EL683236745US

Date of Deposit December 19, 2001

I hereby certify that this paper is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR Section 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington DC 20231.

[Signature] Signature of person mailing paper or fee

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# FEE TRANSMITTAL FOR FY 2002

Patent fees are subject to annual revision.

## Complete if Known

|                        |                        |
|------------------------|------------------------|
| Application Number     | Not yet assigned       |
| Filing Date            | December 19, 2001      |
| First Named Inventor   | Bleyer, Mark W. et al. |
| Group Art Unit         |                        |
| Examiner Name          |                        |
| Attorney Docket Number | 3433-333               |

Total Amount of Payment (\$)**1930.00**

### METHOD OF PAYMENT

1. ☐ The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit Account Number: **23-3030**

Deposit Account Name: **Woodard, Emhardt, Naughton, Moriarty & McNett**

☒ Charge any Additional Fee Required Under 37 CFR 1.16 and 1.17

☐ Applicant claims small entity status. See 37 CFR 1.27.

2. ☒ Payment Enclosed:

☒ Check ☐ Credit Card ☐ Money Order ☐ Other

### FEE CALCULATION

#### 1. BASIC FILING FEE

| Large Fee Code | Entity Fee (\$) | Small Fee Code | Entity Fee (\$) | Fee Description        | Fee Paid           |
|----------------|-----------------|----------------|-----------------|------------------------|--------------------|
| 101            | 740             | 201            | 370             | Utility Filing Fee     | 740.00             |
| 106            | 330             | 206            | 165             | Design Filing Fee      |                    |
| 107            | 510             | 207            | 255             | Plant Filing Fee       |                    |
| 108            | 740             | 208            | 370             | Reissue Filing Fee     |                    |
| 114            | 160             | 214            | 80              | Provisional Filing Fee |                    |
| SUBTOTAL (1)   |                 |                |                 |                        | (\$) <b>740.00</b> |

#### 2. EXTRA CLAIM FEES

| Total Claims       | -20** = | Extra Claims | Fee From Below | Fee Paid |
|--------------------|---------|--------------|----------------|----------|
| 35                 |         | 15           | X 18           | = 270.00 |
| Independent Claims | -3** =  | 0            | X              | =        |
| Multiple Dependent |         |              |                |          |

| Large Fee Code | Entity Fee (\$) | Small Fee Code | Entity Fee (\$) | Fee Description   |
|----------------|-----------------|----------------|-----------------|---|
| 103*           | 18              | 203            | 9               | Claims in excess of 20                                    |
| 102            | 84              | 202            | 42              | Independent claims in excess of 3                         |
| 104            | 280             | 204            | 140             | Multiple dependent claim, if not paid                     |
| 109            | 84              | 209            | 42              | **Reissue independent claims over original patent         |
| 110            | 18              | 210            | 9               | **Reissue claims in excess of 20 and over original patent |

SUBTOTAL (2) (\$)**270.00**

\*\*or number previously paid, if greater; For Reissues, see above

### FEE CALCULATION (continued)

#### 3. ADDITIONAL FEES

| Large Fee Code | Entity Fee (\$) | Small Fee Code | Entity Fee (\$) | Fee Description  | Fee Paid |
|----------------|-----------------|----------------|-----------------|--|----------|
| 105            | 130             | 205            | 65              | Surcharge - late filing fee or oath  |          |
| 127            | 50              | 227            | 25              | Surcharge - late provisional filing fee or cover sheet.                    |          |
| 139            | 130             | 139            | 130             | Non-English specification  |          |
| 147            | 2,520           | 147            | 2,520           | For filing a request for <i>ex parte</i> reexamination                     |          |
| 112            | 920*            | 112            | 920*            | Requesting publication of SIR prior to Examiner                            |          |
| 113            | 1,840*          | 113            | 1,840*          | Requesting publication of SIR after Examiner action                        |          |
| 115            | 110             | 215            | 55              | Extension for reply within first month                                     |          |
| 116            | 400             | 216            | 200             | Extension for reply within second month                                    |          |
| 117            | 920             | 217            | 460             | Extension for reply within third month                                     | 920.00   |
| 118            | 1,440           | 218            | 720             | Extension for reply within fourth month                                    |          |
| 128            | 1,960           | 228            | 980             | Extension for reply within fifth month                                     |          |
| 119            | 320             | 219            | 160             | Notice of Appeal   |          |
| 120            | 320             | 220            | 160             | Filing a brief in support of an appeal                                     |          |
| 121            | 280             | 221            | 140             | Request for oral hearing   |          |
| 138            | 1,510           | 138            | 1,510           | Petition to institute a public use proceeding                              |          |
| 140            | 110             | 240            | 55              | Petition to revive - unavoidable   |          |
| 141            | 1,280           | 241            | 640             | Petition to revive - unintentional   |          |
| 142            | 1,240           | 242            | 620             | Utility issue fee (or reissue)   |          |
| 143            | 460             | 243            | 230             | Design issue fee   |          |
| 144            | 620             | 244            | 310             | Plant issue fee  |          |
| 122            | 130             | 122            | 130             | Petitions to the Commissioner  |          |
| 123            | 50              | 123            | 50              | Petitions related to provisional applications                              |          |
| 126            | 180             | 126            | 180             | Submission of Information Disclosure Stmt                                  |          |
| 581            | 40              | 581            | 40              | Recording each patent assignment per property (times number of properties) |          |
| 146            | 740             | 246            | 370             | Filing a submission after final rejection (37 CFR 1.129(a))                |          |
| 149            | 740             | 249            | 370             | For each additional invention to be examined (37 CFR 1.129(b))             |          |
| 179            | 740             | 279            | 370             | Request for Continued Examination (RCE)                                    |          |
| 169            | 900             | 169            | 900             | Request for expedited examination of a design application                  |          |

Other Fee (specify) \_\_\_\_\_

\* Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)**920.00**

|                   |  |                  |  |                   |  |
|-------------------|--|------------------|--|-------------------|--|
| SUBMITTED BY      |  | Registration No. |  | Telephone         |  |
| Name (Print/Type) |  | (Attorney/Agent) |  | (317) 634-3456    |  |
| Signature         |  | 33,386           |  | Date              |  |
| Kenneth A. Gandy  |  | Kenneth A. Gandy |  | December 19, 2001 |  |

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